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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/619,179

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01/26/2005

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EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/619,179	KANEVSKY ET AL.	
	Examiner	Art Unit	
	Truc T Chuong	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-47, 49, 51-53, 63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-47, 49, 51-53, and 63-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment, filed 08/25/04.
2. Claims 44-47, 49, 51-53, and 63-64 are pending in this application. Claim 44 is independent claims. In the Amendment, claim 44 is amended, claims 48, 50, and 54-62 are cancelled, and claims 63-64 are new claims. This rejection is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 44-47, 51, and 63-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Odam et al. (U.S. Patent No. 5,825,360).

As to claim 44, Odam teaches a method for automatic control of window overlap based on a user's history of window use, comprising:

automatically determining priorities of overlapping windows displayed on a graphical user interface (priority for each window, e.g., col. 7 lines 2-31), said window priority being derived from the user's history of window use (based on time, e.g., col. 13 lines 21-50), and

automatically arranging said plurality of windows to overlap one another in order of said priority on said graphical user interface (e.g., col. 3 lines 17-48, and col. 7 lines 2-31).

As to claim 45, Odam teaches the method according to claim 44, further comprising:

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automatically sizing said windows on said graphical user interface according to said priority (the number of bits per pixel can all be increased or decreased, col. 14 lines 18-20, and col. 17 lines 1-7).

As to claim 46, Odam teaches the method according to claim 44, further comprising:
automatically positioning said windows on said graphical user interface according to said priority (e.g., col. 3 lines 17-48, and col. 7 lines 2-31).

As to claim 47, Odam teaches the method according to claim 44, wherein said windows are automatically re-arranged only when a redrawing function is selected by a user (a priority to each of a plurality of windows in the workspace according to a predefined criteria, and all windows will be re-arranged/repositioned/refreshed/redrawn if the user changes/redefines the criteria, e.g., col. 3 lines 10-23).

As to claim 63, Odam teaches the method according to claim 44, wherein said priority is derived from one or more criteria for each window selected from the group consisting of: a time that a window is first opened, a time that a window is last opened, ... (priority predefined criteria, e.g., col. 3 lines 10-36).

As to claim 64, Odam teaches the method according to claim 63 further comprising storing one or more of said criteria (the values can be stored as variables, e.g., col. 12 lines 10-20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odam et al. (U.S. Patent No. 5,825,360) in view of Bass et al. (U.S. Patent No. 4,559,533).

As to claim 49, Odam teaches the method according to claim 44, further comprising:
automatically displaying for said window according to said priority on said graphical user interface (see claim 44 above); however, Odam does not teach displaying window in a color according the priority. Bass clearly teaches windows with colors (col. 11 lines 41-62, and fig. 6). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to modify the priority windows of Odam in different colors as the displayed windows of Bass to ease the viewer when visualizing the objects on the screen.

7. Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odam et al. (U.S. Patent No. 5,825,360).

As to claim 52, Odam teaches the method according to claim 44, further comprising:
automatically re-arranging windows so that said windows overlap one another in order of said priority on said graphical user interface (see claim 44 above); although, Odam does not clearly teach re-arranging icons so that icons overlap one another in said task bar on the GUI, it would have been obvious for a person with ordinary skill in the art to modify the similar technique as applied to the windows with priority that has clearly mentioned in the priority windows of Odam above for easily to keep track of the concurrency between the displayed windows and the related icons on the taskbar.

As to claim 53, it can be rejected under similar rationale as claim 52 above.

Response to Arguments

Applicant's arguments with respect to claims 44-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

01/20/05

BA HUYNH
PRIMARY EXAMINER

